

**REMARKS**

Claims 1-17 and 19-40 were presented for examination and were rejected. In the present amendment, claims 1-4, 6-12, 14, 17 and 19-36 have been amended. No new matter has been introduced. Upon entry of the present amendment, claims 1-17 and 19-40 will be currently pending in this application, of which claims 1, 9, 17, 25 and 32 are independent. Applicants submit that claims 1-17 and 19-40 are in condition for allowance.

The following comments address all stated grounds of rejection. Applicants traverse all rejections and urge the Examiner to pass the claims to allowance in view of the remarks set forth below.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 101****I. Claims 17, 19-24 Rejected Under 35 U.S.C. § 101**

Claims 17, 19-24 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. The Examiner cites paragraph [0093] of the specification and contends that system of claims 17, 19-24 are interpreted as being software only and therefore, non-statutory. Applicants respectfully submit that claims 17, 19-24, as amended, are directed to statutory subject matter.

Applicants hereby amend claims 17 and 19-24 to include a learning engine of a device and a filter of the device. These claims recite a particular apparatus as the learning engine and filter operate on a device, and thus, falls within one of the statutory categories of patentable subject matter. Therefore, Applicants submit that claims 17 and 19-24 are directed to statutory subject matter and request that the Examiner withdraw the rejection under 35 U.S.C. § 101.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 103****II. Claims 1-17 and 19-40 Rejected Under 35 U.S.C. § 103**

Claims 1-17 and 19-40 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,772,347 to Xie et al. (“Xie”) in view of U.S. Patent Publication No. 2005/0086262 to Balasubramanian (“Balasubramanian”) and further in view of U.S. Patent Publication No. 2004/0250124 to Chesla (“Chesla”). Applicants traverse these rejections. Claims 1, 9, 17, 25 and 32 are independent claims. Claims 2-8 depend on and incorporate all the patentable subject matter of independent claim 1, claims 10-16 depend on and incorporate all the patentable subject matter of independent claim 9, claims 19-24 depend on and incorporate all the patentable subject matter of independent claim 17, claims 26-31 depend on and incorporate all the patentable subject matter of independent claim 25, and claims 33-40 depend on and incorporate all the patentable subject matter of independent claim 32. Applicants submit that Xie, Subramanian and Chesla, alone or in combination, do not teach or suggest each and every feature of the claimed invention.

**A. Independent Claims 1, 9, 17, 25 and 32 Patentably Distinguished over Xie in view of Balasubramanian and further in view of Chesla**

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Claims 1, 9 and 32 are directed to methods, claim 17 is directed to a system and claim 25 is directed to a computer readable medium. Claims 1, 9, 17, 25 and 32 recite generating an exception rule for a rejection rule that rejects a message, URL component or a node associated with the URL component. The exception rule to the rejection rule allows to pass a URL component or a message that is rejected by a rejection rule. Xie,

Balasubramanian and Chesla, alone or in combination, fail to teach or suggest each and every element of the claimed invention.

The combination of Xie, Balasubramanian and Chesla does not teach or suggest generating an exception rule to a rejection rule responsive to the frequency of the URL component satisfying a set of constraints, rejecting a message or URL satisfying the set of constraints and allowing the rejected message or URL to pass responsive to the exception rule. Xie describes a first set of rules for denying packets and a second set of rules dynamically generated to allow some packets to pass based on additional access control requirements (col. 5, lines 47-52 and col. 6, lines 1-5). Instead of generating an exception rule to a rejection rule based on the same constraints used to reject the packet, Xie generates additional rules based on additional access control requirements. These additional rules are not an exception to the same rule but new rules. Furthermore, Xie does not reject a message responsive to a rejection rule and then allow the rejected message based on an exception rule to the rejection rule. Thus, Xie fails to teach or suggest this feature of the claimed invention.

As with Xie, Chesla and Balasubramanian fail to teach or suggest the exception rule to the rejection rule features of the claimed invention. In the Office Action, the Examiner relies only on Xie for suggesting this feature and cites Chesla and Balasubramanian for different purposes. The Examiner cites Chesla for maintaining a frequency for the number of occurrences with which messages are rejected, and Balasubramanian for a rule-based filtering system where URL requests are filtered at the domain and IP address level to allow/deny traffic for domains beginning with identified IP address information. As such, Chesla and Balasubramanian do not bridge the above identified deficiency in the Xie reference as applied by the Examiner. Thus, in combination, neither Xie nor Chesla nor Balasubramanian teach or suggest the exception rule to

the rejection rule features of the claimed invention. Therefore, Xie, Chesla and Balasubramanian in combination fail to teach or suggest this feature of the claimed invention.

Since Xie, Balasubramanian and Chesla, alone or in combination, fail to teach or suggest each and every feature of the claimed invention, Applicants submit independent claims 1, 9, 17, 25 and 32 are patentable and in condition for allowance. Claims 2-8 depend on and incorporate all the patentable subject matter of independent claim 1. Claims 10-16 depend on and incorporate all the patentable subject matter of independent claim 9. Claims 19-24 depend on and incorporate all the patentable subject matter of independent claim 17. Claims 26-31 depend on and incorporate all the patentable subject matter of independent claim 25. Claims 33-40 depend on and incorporate all the patentable subject matter of independent claim 32. Thus, Applicants submit dependent claims 2-8, 10-16, 19-24, 26-31 and 33-40 are patentable and in condition for allowance. Therefore, Applicants request the Examiner to withdraw the rejection of claims 1-17 and 19-40 under 35 U.S.C. § 103.

### **CONCLUSION**

In light of the aforementioned amendments and arguments, Applicants contend that each of the Examiners rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicants' attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicants' attorney at the telephone number identified below.

Respectfully submitted,

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